

THURSDAY, FEBRUARY 4, 2010

FIFTY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Landon Meadow of Vineyard Christian Fellowship in Clarksville, Tennessee, a guest of Senator Barnes.

PLEDGE OF ALLEGIANCE

Senator Barnes led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2410 with amendment, 2534, 2556, 2572 and 2637 with amendment; and Senate Joint Resolution No. 711; also, recommend that Senate Bill No. 2780 with amendment be referred to Committee on Finance, Ways and Means.

KETRON, Chairperson
February 3, 2010

The Speaker announced that he had referred Senate Bills Nos. 2410 with amendment, 2534, 2556, 2572 and 2637 with amendment; and Senate Joint Resolution No. 711 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2780 with amendment to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend that Senate Bill No. 2408 with amendment be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson
February 3, 2010

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The Speaker announced that he had referred Senate Bill No. 2408 with amendment to the Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2425 with amendment, 2426 with amendment, 2427 with amendment, 2429 with amendment, 2441, 2442, 2444, 2950, 2952, 2953 and 2954.

WATSON, Chairperson
February 3, 2010

The Speaker announced that he had referred Senate Bills Nos. 2425 with amendment, 2426 with amendment, 2427 with amendment, 2429 with amendment, 2441, 2442, 2444, 2950, 2952, 2953 and 2954 to the Committee on Calendar.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1294, 2623 and 2627 with amendment; and House Joint Resolution No. 281.

CROWE, Chairperson
February 3, 2010

The Speaker announced that he had referred Senate Bills Nos. 1294, 2623 and 2627 with amendment; and House Joint Resolution No. 281 to the Committee on Calendar.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 759 through 763** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 759 by Senator Kyle.

General Assembly, Confirmation of Appointment -- Garry W. McNabb, Tennessee Education Lottery Corporation Board of Directors.

Senate Joint Resolution No. 760 by Senators Kyle and Overbey.

General Assembly, Confirmation of Appointment -- James Ripley, Tennessee Education Lottery Corporation Board of Directors.

Senate Joint Resolution No. 761 by Senator McNally.

Memorials, Congress -- Urges Congress to include the City of Oak Ridge in all considerations of The Manhattan Project National Historical Park Study Act.

Senate Joint Resolution No. 762 by Senator McNally.

Memorials, Death -- Q.V. Leinart.

Senate Joint Resolution No. 763 by Senators Kelsey, Jackson, McNally, Black, Beavers, Mr. Speaker Ramsey, Gresham, Bunch, Burchett, Tracy, Ketron, Faulk and Southerland. Constitutional Amendments -- Proposes an amendment to clarify the constitutional language that currently prohibits the levying of a tax on any class of income, other than income derived from stocks and bonds, and to prohibit any tax levied on or measured by employer payrolls.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 773, 794 and 795**; and **Senate Joint Resolutions Nos. 753 through 758** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 773 -- Memorials, Death -- Michael Jackson.

The Speaker announced that he had referred House Joint Resolution No. 773 to the Committee on Calendar.

House Joint Resolution No. 794 -- Memorials, Academic Achievement -- Cheatham County Central High School, Harpeth High School, and Sycamore Middle School students, Gateway and End-of-Course tests.

The Speaker announced that he had referred House Joint Resolution No. 794 to the Committee on Calendar.

House Joint Resolution No. 795 -- Memorials, Academic Achievement -- Cheatham Middle School, Harpeth Middle School, and Sycamore Middle School students, EXPLORE test.

The Speaker announced that he had referred House Joint Resolution No. 795 to the Committee on Calendar.

Senate Joint Resolution No. 753 -- Memorials, Retirement -- Ron Fox.

The Speaker announced that he had referred Senate Joint Resolution No. 753 to the Committee on Calendar.

Senate Joint Resolution No. 754 -- Memorials, Sports -- Lin Dunn.

The Speaker announced that he had referred Senate Joint Resolution No. 754 to the Committee on Calendar.

Senate Joint Resolution No. 755 -- Memorials, Death -- Morgan Elizabeth Kelley.

The Speaker announced that he had referred Senate Joint Resolution No. 755 to the Committee on Calendar.

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Senate Joint Resolution No. 756 -- General Assembly, Statement of Intent or Position -- Expresses general assembly's strong opposition to public investments in companies operating in Iran.

The Speaker announced that he had referred Senate Joint Resolution No. 756 to the Committee on Finance, Ways and Means.

Senate Joint Resolution No. 757 -- Memorials, Recognition -- Barbara Anthony.

The Speaker announced that he had referred Senate Joint Resolution No. 757 to the Committee on Calendar.

Senate Joint Resolution No. 758 -- Memorials, Professional Achievement -- Clint Etherton, 2009 Forrest Purcer Award.

The Speaker announced that he had referred Senate Joint Resolution No. 758 to the Committee on Calendar.

NOTICE

THE UNEMPLOYMENT INSURANCE TRUST FUND BALANCE REPORT

The report was received and filed with the clerk.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 744 -- Memorials, Death -- Charles T. "Thad" Herndon III.

Senate Joint Resolution No. 745 -- Memorials, Heroism -- 168th Military Police Battalion, Tennessee Army National Guard.

Senate Joint Resolution No. 746 -- Memorials, Recognition -- Cumberland Presbyterian Church, 200th anniversary.

Senate Joint Resolution No. 748 -- Memorials, Death -- Doris Smith Demos.

Senate Joint Resolution No. 749 -- Memorials, Recognition -- Dean Dickey.

Senate Joint Resolution No. 750 -- Memorials, Recognition -- Rob Lyons.

House Joint Resolution No. 765 -- Memorials, Death -- Connie Hall Givens.

House Joint Resolution No. 766 -- Memorials, Recognition -- Benton County, 175th anniversary.

House Joint Resolution No. 768 -- Memorials, Professional Achievement -- John Bartee, Sr., American Gelbvieh Association Hall of Fame.

House Joint Resolution No. 770 -- Memorials, Death -- Robert James Barnett, M.D.

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Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that **Senate Joint Resolution No. 623** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Faulk moved that **Senate Joint Resolution No. 626** be rereferred to the Committee on Calendar, which motion prevailed.

CONSENT CALENDAR NO. 2

Senate Joint Resolution No. 705 -- General Assembly, Statement of Intent or Position -- Expresses support for the work of "Every Child Outdoors Tennessee".

Senator Faulk moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senator Haynes moved that **Senate Joint Resolution No. 708** be placed on the Calendar for Thursday, February 18, 2010, which motion prevailed.

MOTION

Senator Barnes moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 794**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 794 -- Memorials, Academic Achievement -- Cheatham County Central High School, Harpeth High School, and Sycamore Middle School students, Gateway and End-of-Course tests.

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On motion of Senator Barnes, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 794** was concurred in.

MOTION

Senator Barnes moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 795**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 795 -- Memorials, Academic Achievement -- Cheatham Middle School, Harpeth Middle School, and Sycamore Middle School students, EXPLORE test.

On motion of Senator Barnes, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 795** was concurred in.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 2572** was recalled from the Committee on Calendar.

REFERRAL OF BILL

Senator McNally moved that Senate Bill No. 2572 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

RECALL OF BILL

On motion of Senator Jackson, **Senate Bill No. 3475** was recalled from the Committee on Judiciary.

WITHDRAWAL OF BILL

On motion of Senator Jackson, Senate Bill No. 3475 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Ketron, **Senate Bill No. 3551** was recalled from the Committee on Judiciary.

REFERRAL OF BILL

Senator Ketron moved that Senate Bill No. 3551 be referred to the Committee on State and Local Government, which motion prevailed.

MOTION

On motion of Senators Stewart, Overbey, Kyle, Marrero, Harper, Berke, Southerland and Faulk, their names were added as sponsors of **Senate Joint Resolution No. 705**.

On motion of Senator Faulk, his name was added as sponsor of **Senate Joint Resolution No. 744**.

On motion of Senators Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson and Yager, their names were added as sponsors of **Senate Joint Resolution No. 745**.

On motion of Senators Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 746**.

On motion of Senators Ketron, Tracy and Black, their names were added as sponsors of **Senate Joint Resolution No. 748**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Joint Resolutions Nos. 749 and 750**.

On motion of Senators Haynes, Stewart, Berke, Kyle, Finney, Marrero, Harper, Herron, Black and Faulk, their names were added as sponsors of **House Joint Resolution No. 765**.

On motion of Senators Berke, Kyle, Herron and Yager, their names were added as sponsors of **House Joint Resolution No. 766**.

On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolutions Nos. 768, 794 and 795**.

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolution No. 770**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bills Nos. 2838, 2844, 2849, 2850, 2851, 2861, 2880, 2881, 2888, 2898, 2900, 2901, 2902, 2906, 2908, 2910, 2911, 2933, 2949, 2950, 2951, 2953, 2954, 2955, 2994, 3008, 3013, 3065, 3084, 3085, 3092, 3120, 3127, 3130, 3135, 3140, 3147, 3149, 3169, 3180, 3181, 3182, 3183, 3185, 3186, 3187, 3188, 3228, 3241, 3279, 3329, 3340, 3362, 3411, 3432, 3434, 3435, 3438, 3440, 3473, 3483, 3484, 3485, 3486, 3487, 3488, 3515, 3630, 3662, 3694, 3739, 3741, 3747, 3749, 3821 and 3822**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 2551**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Joint Resolution No. 698**.

On motion of Senator Jackson, his name was added as sponsor of **Senate Joint Resolution No. 708**.

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ENGROSSED BILLS

February 4, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 705, 744, 745, 746, 748, 749 and 750; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 4, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 790, 791, 792, 797, 799, 800, 801 and 802; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 4, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 733, 734, 735, 736, 738, 739, 740, 741 and 742; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

February 4, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 728, 729, 730, 731 and 732; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

February 4, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 733, 734, 735, 736, 738, 739, 740, 741 and 742; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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MESSAGE FROM THE HOUSE

February 4, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 765, 766, 768, 770, 794 and 795; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 4, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 728, 729, 730, 731 and 732.

SIGNED

February 4, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 733, 734, 735, 736, 738, 739, 740, 741 and 742.

SIGNED

February 4, 2010

The Speaker announced that he had signed the following: House Bill No. 1257.

SIGNED

February 5, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 765, 766, 768, 770, 794 and 795.

MESSAGE FROM THE HOUSE

February 4, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 728, 729, 730, 731, 732, 733, 734, 735, 736, 738, 739, 740, 741 and 742; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 4, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 728, 729, 730, 731 and 732; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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REPORT OF CHIEF ENGROSSING CLERK

February 4, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 733, 734, 735, 736, 738, 739, 740, 741 and 742; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

February 4, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 707, with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

February 5, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 681, 683, 684, 685, 686, 687, 691, 692, 693, 694, 696, 697, 700, 701, 702 and 706; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 8, 2010: House Joint Resolutions Nos. 774, 775, 778, 779, 780, 783 and 784.

This the 4th day of February, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 8, 2010: Senate Bills Nos. 1294, 2417, 2534, 2556, 2613, 2623 and 2846; Senate Joint Resolution No. 711; and House Joint Resolution No. 281.

This the 4th day of February, 2010.
MIKE FAULK, Chairperson.

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**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, February 10, 2010: Senate Joint Resolutions Nos. 753, 754, 755, 757 and 758; and House Joint Resolution No. 773.

This the 5th day of February, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, February 10, 2010: Senate Bills Nos. 2441, 2442, 2444, 2950, 2952, 2953 and 2954.

This the 5th day of February, 2010.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 8, 2010: Senate Bills Nos. 2410, 2425, 2426, 2427, 2429 and 3637.

This the 4th day of February, 2010.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, February 8, 2010, which motion prevailed.